

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,</b>	)	
	)	
	)	
<b>Plaintiff,</b>	)	<b>Civil Action No.</b>
<b>v.</b>	)	<b>10-cv-5062</b>
	)	
	)	
<b>ASIAN WORLD OF MARTIAL ARTS, INC.</b>	)	
	)	
<b>Defendant.</b>	)	

**CONSENT DECREE**

On September 28, 2010, Plaintiff Equal Employment Opportunity Commission (the "EEOC") filed this action alleging that Defendant Asian World of Martial Arts, Inc. ("AWMA") discriminated against its former Controller Morris Pashko by implementing and enforcing a policy mandating involuntary retirement of employees at age 67 and terminating him from his position pursuant to this policy, in violation of the Age Discrimination in Employment Act of 1967, as amended ("ADEA"). As a result of his termination, Mr. Pashko suffered monetary damages.

AWMA filed an Answer denying liability and alleging that Mr. Pashko's EEOC charge was untimely. AWMA further alleged that Mr. Pashko experienced performance problems, that he was not entitled to damages and that it acted on erroneous advice of its former counsel in announcing a mandatory retirement policy.

EEOC and AWMA (hereinafter "the parties") desire to resolve this matter without further litigation and adjudication. The parties therefore do hereby stipulate and consent to the entry of this Consent Decree as final and binding between the EEOC and AWMA, its officers, agents, successors and assigns.

In consideration of the mutual promises of each party to this Consent Decree, the sufficiency of which is hereby acknowledged, the parties agree as follows, the Court finds appropriate, and it is therefore ORDERED, ADJUDGED AND DECREED that:

1. The parties agree and the Court finds that this Court has jurisdiction of the subject matter of this action and of the parties, that venue is proper, and that all administrative prerequisites have been met. This Decree is being issued with the consent of the parties. No party will contest the validity of this Consent Decree or the jurisdiction of the Federal District Court to enforce this Consent Decree and its terms.

2. This Consent Decree is final and binding between the EEOC and AWMA, and resolves all claims in EEOC's Complaint in Civil Action No. 10-cv-5062 (TJS)(E.D. Pa.), filed in the United States District Court for the Eastern District of Pennsylvania and in the underlying Charge No. 846-2008-50787, without any admission of liability by Defendant AWMA. Subject to the provisions of paragraph 13 of this Consent Decree, the EEOC will take no further action with respect to the underlying Charge No. 846-2008-50787.

3. This Consent Decree in no way affects EEOC's right to process any pending or future charges that may be filed against Defendant, and to commence civil actions on any such charges.

4. Defendant and its officers will comply with the provisions of the ADEA and will agree to be enjoined, and are enjoined, from discriminating on the basis of age in violation of the ADEA. Such age-based discrimination violates the ADEA, which, in part, is set forth below:

It shall be unlawful for an employer –

To fail or refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's age.

29 U.S.C. § 623(a)(1) of the Age Discrimination in Employment Act.

5. Defendant and its officers are hereby enjoined from retaliating against any employee because he or she exercised any of his or her rights under the ADEA, including filing a charge, providing testimony or assistance, participating in any manner in any investigation, proceeding or hearing under the ADEA, or opposing any practice that he or she reasonably believed to be unlawful under the ADEA, as set forth in the following provision:

It shall be unlawful for an employer to discriminate against any of his employees or applicants for employment, for an employment agency to discriminate against any individual, or for a labor organization to discriminate against any member thereof or applicant for membership, because such individual, member or applicant for membership has opposed any practice made unlawful by this section, or because such individual, member or applicant for membership has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or litigation under this chapter.

29 USC § 623(d) of the Age Discrimination in Employment Act.

6. In accordance with the ADEA's prohibition against discharge and/or involuntary retirement of employees because of age, AWMA confirms that it does not currently have any mandatory retirement policy and/or requirement for employees to retire based on age.

7. AWMA will pay Morris Pashko the sum total of One Hundred Thousand Dollars (\$100,000.000) in full settlement of the claims raised on his behalf against AWMA in the EEOC's Complaint, Civil Action No. 10-cv-5062. Within ten days after entry of this Decree, AWMA shall issue a check payable to Mr. Pashko in the amount stated above. A form 1099 will be issued.

8. AWMA shall submit proof of payment by mailing a copy of the check issued in this matter to: Iris Santiago-Flores, Senior Trial Attorney, EEOC, Philadelphia District Office, 801 Market Street, Penthouse, Suite 1300, Philadelphia, PA 19107-3127.

9. AWMA represents that it has posted the "Equal Employment is the Law" poster available to download, free of charge, through EEOC's public webpage at [www.eeoc.gov](http://www.eeoc.gov).

10. No later than 14 days after the entry of this Consent Decree, AWMA will post and cause to remain posted a same-size copy of the Notice in the form attached hereto as Exhibit "A", which shall remain posted for the length of this Consent Decree.

11. If the Notice posted becomes defaced, removed, marred or otherwise illegible, AWMA agrees to post a readable copy in the same manner as heretofore specified.

12. Once during the calendar year 2012 and once every calendar year thereafter for the duration of this Decree, AWMA will provide all officers and employees with a minimum of 1.5 hours of live training on the requirements and prohibitions of the ADEA.

- a. The training will be conducted by a provider previously approved by the EEOC.
- b. AWMA will provide the EEOC with a copy of the attendance records from the training session(s) within fourteen (14) days after the training is held.
- c. In an event an employee is unable to attend the training, AWMA shall show the training required by this Consent Decree by way of DVD/video format.

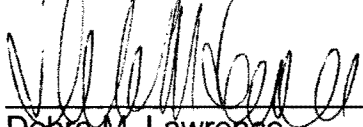
13. In the event the EEOC believes that AWMA or its officers have violated any provision of this Consent Decree, the EEOC will give notice to AWMA and attempt to informally resolve the matter before seeking further relief from the Court pursuant to this Consent Decree.

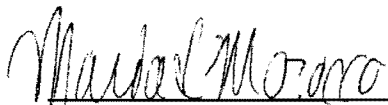
14. This Consent Decree will remain in effect for two (2) years from the date of entry. This case ~~may be administratively closed but will not~~ be dismissed. The Court retains jurisdiction to enforce the Decree. This Consent Decree will expire by its own terms at the end of that period, without further action required by the parties or the Court, unless the duration of this Decree has been extended.

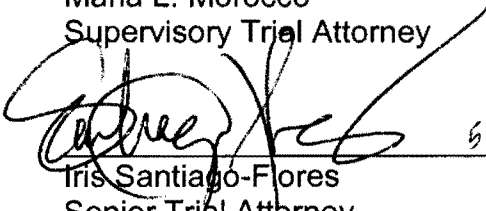
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15. Each party to this Decree shall bear its own expenses, costs and attorneys' fees.

For Plaintiff EEOC:  
EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

 5/12/11  
Debra M. Lawrence  
Regional Attorney

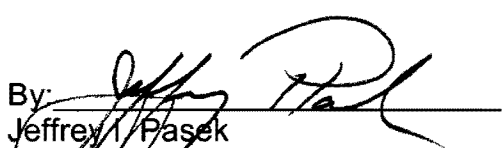
 by DMK 5/12/11  
Maria L. Morocco  
Supervisory Trial Attorney

 5/12/11  
Iris Santiago-Flores  
Senior Trial Attorney  
EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
Philadelphia District Office  
801 Market Street,  
Penthouse, Suite 1300  
Philadelphia, PA 19106  
(215) 440-2684

For Defendant AWMA, Inc.

  
Georgette Ciubarescu  
Officer, ASIAN WORLD OF MARTIAL  
ARTS, INC

COZEN O'CONNOR

By:   
Jeffrey I. Pasek  
Jonathan Cavalier  
1900 Market Street  
Philadelphia, PA 19103  
(215) 665-2000  
Attorney for Defendant AWMA

APPROVED AND SO ORDERED THIS 19th DAY OF May, 2011

By the Court:

  
UNITED STATES DISTRICT JUDGE

**Exhibit A**  
**NOTICE TO ALL EMPLOYEES**

This Notice is being posted pursuant to a Consent Decree entered by the U.S. District Court for the Eastern District of Pennsylvania in EEOC v. Asian World of Martial Arts, Inc., Civil Action Number 10-cv-5062.

In its lawsuit, the EEOC alleged that Asian World of Martial Arts, Inc. (AWMA) discriminated against a long-term employee based on his age when he was terminated pursuant to an age-based retirement policy. AWMA denied that it engaged in unlawful discrimination. The parties have resolved this action in accordance with the law.

The Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. §621 (the "ADEA"), prohibits discrimination against employees and applicants for employment based upon their age, 40 years of age or older. Specifically, the ADEA prohibits termination or involuntary retirement of individuals based on age. The ADEA further prohibits retaliation against employees or applicants who avail themselves of the rights under the ADEA by engaging in protected activities, such as filing a charge of discrimination and/or testifying or participating in a Commission investigation. The EEOC is a federal agency that investigates charges of unlawful employment discrimination. The EEOC has authority to bring lawsuits in Federal Court to enforce the ADEA.

If you believe you have been discriminated against, you may contact the EEOC at (215) 440-2600. The EEOC charges no fees and has employees who speak languages other than English.

**THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE**

This Notice must remain posted for a period of two (2) years. This Notice must not be altered, defaced or covered by any other material. Any questions about this Notice or compliance with its terms may be directed to the: Regional Attorney, EEOC Philadelphia District Office, 801 Market Street, Penthouse, Suite 1300, Philadelphia, PA 19107-3127

By: \_\_\_\_\_  
For: Equal Employment Opportunity  
Commission

By: \_\_\_\_\_  
For: Georgette Ciukurescu  
For: AWMA